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595 (1) Custom permits *all* North Caucasians and their neighbours, whether Christian or Mohammedan, to marry more than one wife. The Tartars near the city of Derbend in the eighteenth century are the only exception, but even in this single case, it ist not certain whether they were monogamists *de jure* or only *de facto*.

[177] (2) Everywhere polygyny is *pre-Islamic*, even if previous to their conversion to Islamism the particular tribe happened to be Christian. We might rightly, therefore, inquire into the possible origin of polygyny in the Caucasus. Polygyny, if borrowed at all, was not borrowed as an *isolated* institution. On the contrary, it seems to be a North Caucasian possession, first of all, as old as the practice [594] of levirate (*infra*, pp. 71—75). Furthermore, it seems to be a North Caucasian [614] cultural possession as old as the economic, social, and religious structure of the North Caucasian family itself. Here we understand "family" in its broad sense, including the joint-family and sib. We cannot now describe this family structure in detail. Briefly, by "the economic, social, and religious structure of the family" we understand that the family in North Caucasia has been and in many places still is the *raison d'être* of the individual.[30a] Whatever the individual does or whatever is done to him or for him has only one aim, the perpetuation and [581] prosperity of the family. Now, in the mind of the North Caucasian, polygyny is an immense asset and at times absolutely indispensable for the economic, social, and religious life of the all-important and solely-important family.

593 *Economically* considered, the wife is extremely important. In the North 562 Caucasus it is the wife who does most of the work (*infra*, pp. 156—159). In fact, sometimes a rich Avar will marry a son to a poor girl or to a widow of a lower class, with whom he is forbidden all communication, in order to have an additional worker in the house.[31] Moreover, a wife is not only a *worker*; she 842 is the "*worker-producing*" organ of the family. Even though boys are preferred (*infra*, pp. 159 ff), girls prove to be good and valuable workers and bring in, at times, a large brideprice (*infra*, pp. 82—91). Now, the more wives there are in the household, the more "worker-producing" organs there are, and by that very fact, at least in the mind of the natives, the family becomes so much the more economically healthy and secure.

The *religious* structure of the family may have contributed just as much to [769] the rise of polygyny as did the economic form of life. The most sacred duty of the individual and of the individual family is, or at least has been, to perpetuate itself, and thus to perpetuate the cult of the ancestors. It is a fact throughout North Caucasus that only a *son* can perpetuate the family and prevent the greatest calamity imagineable, its extinction. But a wife is precisely the "*boy-producing*" organ. If this organ is lacking or fails to function the family is doomed. Today one of the main motives for taking a second wife is sterility.[32] Or again, a second wife will be acquired if the first gives birth only to girls.

[30a] According to ancient customary laws.

[31] L'vov, *op. cit.*, p. 19.

[32] Cf. K. Mačavariani, "Nĕkotoryja čerty iz žizni Abchazcev. Položenie ženščiny v Abchazii," SMOMPK, IV (1884), No. 2, p. 42. E. G. Pčelina, "Rodil'nye obyčai u osetin," SE, 1937, No. 4, p. 88.

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sheep is slaughtered and a second feast is given at which the husband- and wife-to-be are present. The elder of the village (*khevis-beri*)[4], presides and then recites the special engagement prayer: "Glory to you, George, Angel of the Oak, Lasharis-Dzhbari, and Queen Tamara! George, Angel of the Oak, bless this young couple! Make them happy, rich and prosperous!" [35] After this the *mkepari*[36] are chosen from among the relatives of both partners, whose task it is to collect gifts for the betrothed. The Pshavs do not give their daughters a special dowry, these gifts and the *satavno* taking its place.[37] From now on the suitor is allowed to pay his future wife frequent visits.[38]

There is very little difference to be noted in the OSSETINE matchmaking and betrothal.[39] At first a good friend (generally a woman) of the young man's family is sent to the parents of the girl to learn, unnoticed if possible, about the possiblity of a marriage. If the "spy" returns with a favourable answer, two official matchmakers are sent, generally elderly friends of the family. All dealings are kept secret until the girl's father consents. The town-crier is then notified, for it is his duty and privilege to publicize all engagements. Then the matchmakers bring to the girl's family gifts and the *kalym*, and, as usual, the engagement is celebrated by a feast.[40]

The engagement customs of the KUMYKS are about the same as those of the Chechens.[41] In Balkaria it is the agreement regarding the *kalym* that constitutes the essence of the betrothal.[42]

2. Conclusions regarding Matchmaking and Betrothal

(1) All North Caucasians and immediate neighbours have the custom of formal betrothal of one sort or another. (2) Nowhere is the marriage arrangement a private affair. The two persons concerned are either passive, or if they do act, they are simply cooperating in a family matter. (3) Official go-betweens are usually employed. (4) The initiative is taken among all North Caucasians and neighbouring peoples by the male side. (5) Although the mother plays a surprisingly important part in the engagement customs, the final decision rests with the father.

The premarital arrangements of the Caucasians have a strongly patriarchal character. It is the father who has the final word in matchmaking. Moreover,

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[35] Makalatija, *l. c.* The sacred oak referred to is supposed to be on Mount Lashari in the central part of Pshavia and is tied to heaven with a golden chain (Makalatija, *op. cit.*, p. 103).

[36] Makalatija, *l. c.*

[37] Every girl, while still small, receives a calf as her own property. All the profit she makes by raising the calf becomes her property too.

[38] Makalatija, *l. c.*

[39] Dubrovin, I, i, pp. 329—332.

[40] Hahn, *Bilder aus dem Kaukasus*, pp. 40 f.

[41] For a fine description of Kumykian matchmaking and engagement see Semenov, "Očerki narodnych obyčaev Kumykov Terskoj Oblasti," *Terskij Sbornik*, II (1892), No. 2, Part 2 pp. 68—71; Dubrovin, *Istorija*, I, i, p. 637.

A. Karaulov, "Bolkari na Kavkaze," SMOMPK, XXXVIII (1908), No. 1, p. 146.

4. [in Pshavia, southern Caucasia -- Analyst]

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584 593 the passivity of the couple reflects their submission to the *patria potestas* and perfectly agrees with all we have said about the freedom of choice. The girl is usually more passive than the young man, a fact that corresponds to the greater privilege of the latter to choose his own mate. Although the Caucasian customs of matchmaking and engagement are strongly patriarchal in colouring, we do not wish to say that betrothal as such is a patriarchal trait. On the contrary, elaborate engagement ceremonies are found especially among matriarchal peoples.[43]

§ 2. PRIVILEGES AND OBLIGATIONS ARISING FROM BETROTHAL

There are three distinct obligations that we must consider: (1) mutual avoidance especially in public, (2) mutual fidelity, (3) and the obligation of entering upon marriage with one's engaged partner.

1. Mutual Avoidance

584 834 The NORTHWESTERN CAUCASIANS. An *adat* for the Black Sea-Cordon Line, Kuban and Terek Territories speaks of the strict obligation of the betrothed to avoid one another in public. Should they accidently meet in the presence of others, they may not speak to one another; in fact, they are forbidden [836] even to pass a glance at each other.[44] Of course, sexual intercourse is strictly forbidden and severelly punished (*infra*, pp. 168—179).

The NORTHEASTERN CAUCASIANS. In Chechnia, as soon as the father of the girl gives his consent and the suitor's family has presented their future daughter-in-law with the prescribed engagement gift of ten silver rubles and a silk kerchief, the young man has the right to meet his beloved, but only in private. If another person is present, the bride-to-be must turn her back to her lover.[45] Betrothal, however, does not give the pair the right to sexual relations.[46] When speaking of the Lesghians[47] we must distinguish between three distinct classes of *adats* regarding mutual avoidance: (1) sometimes the engaged couple is strictly forbidden to meet, be it in public or private (if they do meet, it is done stealthily), (2) among some Lesghian peoples they are permitted to meet [836] at the girl's house, (3) among the Tsunta-Akhvakh the *adats* permit engaged couples even to sleep together (*infra*, p. 181 f).

The *adats* of some of the mountain tribes of SOUTH CAUCASUS strictly forbid engaged couples ever to meet in public or in private. It may happen that

[43] Thurnwald, "Verlöbnis," Reallexikon der Vorgeschichte, XIV, p. 133.

[44] Leontovič, II, p. 257, 194. Dubrovin, *Istorija*, I, i, p. 429: "Posle sgovora ženich imčet pravo videt'sja tajno s' svoej nevěstoj; no pri postoronnich ljudjach priličie trebuet ne tol'ko ne govorit' meždu soboju, no i ne smotret' drug na druga."

[45] Berže, *op. cit.*, pp. 97 f.

[46] *Infra*, pp. 169—176.

[47] L'vov, *op. cit.*, p. 22 f; Amirov, "Sredi gorcev severnago Dagestana," SSKG, VII (1873), p. 30; Omarov, "Kak živut Laki," SSKG, IV (1871), pp. 16 ff; Dubrovin, *Istorija*, I, i, p. 564.

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has (or at least has had) the same significance among all North Caucasian mountain tribes, the explorers pass over the relation between birth and the fireplace without a single word. This may be a serious oversight.

§ 6. RESPECT OF CHILDREN FOR THEIR ELDERS

The NORTHWESTERNERS. The *adats* inform us that the children have a strict obligation of acknowledging the authority of their father. They must respect him and carry out all his commands. To disobey him or even to oppose his wishes would be, "according to customary law, the greatest abomination, and according to Islamic law, the greatest of sins."[68] This respect must continue even when old-age renders their parents helpless. When a joint-family is divided the sons must set aside a definite amount of property for the support of their parents and for their funeral.[69] The sons have the strict obligation of erecting a tombstone for their parents. The *adats* also demand that Rs. 300 should be set aside for an elaborate funeral feast. Formerly such feasts would often bring complete financial ruin to the family.[70] This great respect for parents is extended to elders in general, and especially to elder brothers.[71]

The NORTHEASTERN CAUCASIANS. The Lesghians show an unusually great respect for their parents.[72] If the children fail to care for their aged parents, they may be summoned before the *kâḍî*, who will force them to do so.[73] Some excellent examples of this deep respect can be found in the official criminological reports of Kaitago-Tabassaran. "On August 3, 1869, a native of the village of Myura, Kaitago-Tabassaran, Mahomet Omar, after having been scolded by his mother for laziness shot himself."[74] Or again, "On October 2, 1869, a native of the *aul* of Kulidzha, Kaitago-Tabassaran, Ali-bek Salig, quarreled with his son, Murtuzali. After some time his son returned to his father and begged forgiveness. His father, however, refused to listen to his son's repentent words, coldly showing him the door and telling him never to return again. On hearing these words, Murtuzali took out his pistol and shot himself. His father, on seeing that he was the cause of his son's grief and death, took his own life by falling on his *kinjal*."[75]

The reports concerning the Avars being contradictory demand special attention. Some claim that the Avars have just as much respect for their elders as do the other Lesghians. If a son is unable to fulfill the wishes of his father,

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[68] Leontovič, II, p. 250, § 134.

[69] Ladyzenskij, FT, p. 206.

[70] Ladyzenskij, FT, p. 208.

[71] Dubrovin, *Istorija*, I, i, p. 169.

[72] Dubrovin, *Istorija*, I, i, p. 441 is certainly exaggerating when he says that the Chechens "deny their mothers even the respect Nature has implanted in the hearts of all men." This very sentence has been copied and re-copied from the *adat* collections by a number of pre-Soviet authors without inquiring into the reliability of the report. Sv̆ečin, *op. cit.*, pp. 61 f, regarding Lesghians.

[73] Kovalevskij, *Zakon*, II, p. 203. For details regarding the kind of support demanded by the *šarī'a* in Dargwa, see Kovalevskij, *op. cit.*, pp. 203 f.

[74] "Iz gorskoj kriminalistiki," SSKG, III (1870), p. 7.

[75] "Iz gorskoj kriminalistiki," p. 8.

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888 he may become so disheartened that he may even commit suicide as a result.[76]
593 L'vov, on the contrary, says that once the parents become old, they are no longer
[162] respected. In fact, their sons and daughters become very disrespectful, even refusing to sit at the same table with them. The aged mother must suffer from this ingratitude most of all.[77] The correct explanation for the attitude of the Avars toward their aged parents is that as long as the children are still economically and administratively subject to the father of the household, whether the sons have their own families or not, they have unusually great respect for them; but as soon as the joint-family breaks up, this respect diminishes to an astounding degree.

The neighbouring mountain tribes of GEORGIA show great deference toward their elders too.[78]

The OSSETES have an adage which clearly conveys their attitude toward elders. As Kovalevskij's translation has it, "*Que le taureau boive de l'eau, disent-ils, et que le veau lèche la glace.*" In other words, the Ossete is convinced that "the best morsels are always for the elders."[79]

The great reverence shown toward the father of the family (individual or joint-family) throughout the North Caucasus is to be expected, for the mountaineers are (or have been) strictly patriarchal. Moreover, being family-worshippers, they revere not only their departed (ancestors) but also their living parents, for to both the family owes its existence. Mohammedanism too has encouraged love and respect for one's mother, and not without success. There is a beautiful story told of the Caucasian prophet, Shamyl. The Chechens had been fighting desperately against the "infidels." To continue the battle was futile. They therefore sent a messenger to Shamyl, asking permission to capitulate, but Shamyl answered, "It is not lawful for the children of Allah to compromise with the infidels." The Chechens realized that to continue would mean complete annihilation. Nevertheless, the Chechens continued to fight, bleed, and die. They again appealed to Shamyl, but in vain, for "Allah's words are unchangeable." Realizing that Shamyl never had refused his mother any request, they turned to her. When she approached her son, Shamyl at first listened, then grew pale and speechless. Allah demands that a son should never refuse his mother anything, but on the other hand, He says, "Compromise not with the infidels. Whoever dares to suggest such a perfidious thing shall receive 40 strokes." Shamyl loved his mother and he loved Allah's precepts. Should he now condemn his mother to 40 strokes? He was greatly perplexed. For three days and three nights he prayed and fasted in the hope that Allah would come to his assistance and enlighten him. When he finally came out of the mosque, pale and feeble, he said slowly, "Allah has spoken. His words are unchangeable. The Chechens must continue to fight to the last man; I must

[76] Hahn, "Putešestvie v Kachetiju i Dagestan (letom 1898 goda), SMOMPK, XXXI (1902), No. 2, p. 94.

[77] "Domašnjaja i semejnaja žizn Dagestanskich gorcev Avarskago plemeni," SSKG, III (1870), pp. 17 f.

[78] For example, the Khevsurs (Cf. Hahn, *Bilder aus dem Kaukasus*, p. 81).

[79] Kovalevskij, *Coutume contemp.*, p. 192, *note* 2.

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indeed love my mother; but I must also punish the person who suggested surrender. Take my mother therefore, and punish her, punish her with one stroke and give me the remaining 39." This is a story every North Caucasian Mohammedan has heard again and again.

§ 7. EDUCATION

With the coming of Mohammedanism the method of education in the Caucasus was revolutionized. In many places throughout North Caucasus and especially in Daghestan, a new educator was introduced, the mullah. Till then, the *home* was the only "school" and the parents (or foster-parents) the only educators.[80] The subject matter of these Mohammedan schools[81] was, as usual, limited to the study of Arabic and the Koran and Islamic tradition, at times taught by very poorly educated mullahs.[82]

The second important innovation came with the Russians,[83] but especially with the Soviets. Only the Georgians, Armenians, and Azerbaijani had an alphabet in pre-Soviet times.[84] The Soviets immediately realized the necessity of an alphabet for each language, without which the spread of Marxism would be impossible. In 1928 about 40 per cent of the Chechens received formal schooling, while only a very few isolated mountain villages had no school at all.[85] In the mountain of Daghestan the illiteracy is still very great. According to statistics of 1926 only about 10 per cent of the men and 1 per cent of the women can read. Nevertheless, it cannot be denied that progress has been made among these mountain peoples too.[86] Today there are enough Lesghians who are able to read to make Russian, Kumykian, Lak, and Avarian newspapers possible.[87] The Lesghian children receive instructions in their mother-tongue only in the first two years at school; after that they must learn either Kumykian or Russian. In secondary schools both languages are obligatory.[88]

As for home education, a few general remarks will suffice. The education of little children and of all unmarried girls is the task of the mother; the education of the boys is the task of the father.[89] The little children are told to behave

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[80] Cf. K. N. Rossikov, "Poězdka v Čečnju i Nagornyj Dagestan," ZKO, XIII (1884), p. 249.

[81] A. Zacharov, "Narodnoe obučenie u Zakavkazskich Tatar," SMOMPK, IX (1890), No. 2, pp. 7—51; Mir-Galim-bek Vezirov, "O Tatarskich Školach," SMOMPK, IX (1890), No. 2, pp. 1—6; A. Omarov, "Vospominanija mutaallima," SSKG, I, pp. 13—20; II, pp. 46—70.

[82] Cf. Halil Beg Mussayassul for a description of his schooling in *Das Land der letzten Ritter*, pp. 52—56.

[83] "O rasprostranenii gramotnosti meždu gorcami," SSKG, III (1870), pp. 1—30. The main object of pre-Soviet education was to teach a sufficient number of natives the Russian language.

[84] Of course some attempts had been made before the Revolution. Fifteen years after the Revolution all North Caucasians had a written language. The Latin script was used as foundation for the Cherkess, Abaz, Chechen, Karachai, Balkarian, Avar, Dargwa, Kurin, Lak, Tabassaran, Kumykian, Nogai, and Tat languages. Cf. G. P. Serdjučenko, "Jazyki Severnogo Kavkaza i Dagestana," *Sbornik lingvističeskich issledovanij*, Moscow-Leningrad, 1935, p. 7.

[85] Plätschke, *Die Tschetschenen*, p. vii.

[86] R. Kherumian, "Contribution à l'Anthropologie du Caucase," *L'Anthropologie*, LII (1948), No. 1—2, p. 44.

[87] Nansen, *op. cit.*, p. 98.

[88] *ibid.*

[89] Ladyženskij, FT, p. 200.

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In our exposition of the various marriage impediments we have also described the institution called *atalyk* (*supra*, p. 57). The upper classes especially used to give their children over to foster-parents whose task it was to teach them all these things.

§ 8. PARENTAL OBLIGATION OF SUPPORTING THEIR CHILDREN

In patrilineal societies in which the perpetuation of the family is the greatest obligation of the individual and of the family as a whole, there is no danger that the boy will suffer any bodily need, food, clothing, shelter, unless absolutely unavoidable. But even girls are well taken care of. Even before Islamic law gave the Caucasian woman a right to a small part of the inheritance, which the *adats* excluded, female members of the family were always well provided for. After the death of the father, his obligation passed on to the oldest brother till all the sisters were married.[102] If the girl happens not to have any brothers, the obligation of support passes on to the nephews,[103] or to other relatives.

§ 9. PARENTAL AFFECTION FOR OFFSPRING

Much has been written about the lack of affection of North Caucasian parents for their children. In most cases, however, the authors fail to grasp the real psychology behind what seems extreme coldness and lack of parental affection. Reineggs, for example, who has given us one of the first reliable accounts of Caucasian customs, is not free from this very misunderstanding. He writes: "Er pflanzt sich tierisch fort, ohne Liebe zu kennen; er betrachtet sein Weib und seine Kinder als einen Teil seines Vermögens; er zählt sie zu seinen Herden, und bleibt, da er nur für körperliches Gefühl reizbar ist, gegen sittliche, empfundene Erfahrungen, gefällige Gunstbezeugungen ungerührt und in gleichgültiger Zufriedenheit."[104] In other words, Reineggs failed to distinguish between loving someone and manifesting this love *externally and publicly*.

The NORTHWESTERN CAUCASIANS. Longworth, speaking about the Cherkess of about a century ago, made this very distinction. He says that the father "is forbidden the slightest manifestation of tenderness" not only for his wife but also his children.[105] He does not deny the existence of tenderness but only its exteriorization and manifestation.

The NORTHEASTERN CAUCASIANS. Grabovskij mentions that an Ingush not only considers it a disgrace to carry his child in his arms or to fondle it but that he is forbidden even to mention its name before others.[106] Baddeley gives us a very fine example of how really degrading the Lesghians consider it to take their own children in their arms. "A fellow villager, Boulat-khan, had brought on himself the contempt of the men of Andee by publicly carrying his little son in his arms, a manifestation of affection so indecorous in native eyes as to imply

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[102] Leontovič, II, p. 246, § 107; II, p. 97. Berže, Čečnja i Čečency, p. 97.
[103] Leontovič, II; p. 177, § 178 (in regard to the Ingushi).
[104] Reineggs, *Allgemeine hist.-topograph. Beschreibung des Kaukasus*, Vorrede, p. viii.
[105] *A Year among the Circassians*, I, p. 285.
[106] "Inguši, ich žizn i obyčaj," SSKG, IX (1876), p. 49.

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855 a 593 total want of manliness. On one occasion, stung by the jeers of the men in his native regiment, he drew his 'kinjal' and crying: 'I love my son, but you shall see also that I don't mind killing him', was about to do so when they seized his arm and succeeded in calming him."[107] A better example to illustrate the necessary distinction between love and public manifestation of that love we can hardly offer. "I love my son, but you shall see also that I don't mind killing him!" A paradox which a Western mind finds very difficult to grasp![108]

The neighbouring SOUTHERN CAUCASIANS, the Khevsurs, have the same taboo. A father may never carry his child before others or even say a friendly word to it. The most that the father may do is hold the child by hand when it is old enough to walk.[108a]

The neighbouring OSSETES observe the same rule. Here too it is not a lack of affection but a convention, which under no condition may be violated. "Neither husband nor wife might take their children in their arms, or by hand, or give them anything, in the presence of older members of his family. 'So far is this carried,' said Ourousbi [the Author's guide, an Ossete] 'that once one of my children fell into the water and might have been drowned, but as older men of the family were present I did not dare to call attention to the fact, much less take the child out of the water myself. Luckily one of them saw what was happening and saved it.'"[109] "So, too, Kosta Khetagouroff, the Ossetine poet, saved a child from falling off a high house-roof by stamping on its garments, but called a woman to pick it up as it would have been against custom for him to do so; and one of the Abayeffs, having in identical circumstances saved a child, called to its mother—his own wife—'Here, come and pick up your puppy!' (Čursin, *Osetini*, p. 40)." Baddeley claims that in this respect a change has taken place, and as proof, points out that in several of his own photographs Ourousbi is seen carrying a friend's baby. But here Baddeley forgets that the prohibition is not to carry a *friend's* baby but to carry *one's own* child.

§ 10. CONCLUSIONS

842 628 We have already mentioned the main reason why boys are preferred to girls, namely the patriarchal, patrilocal, and patrilineal structure of the North Caucasian and neighbouring societies. But there is still another reason, based on intertribal relations and on the poverty of the mountain tribes, which leads them to a life of raids and robbery. The Caucasus is a typical land of blood-feuds. In the Terek Province, for example, with a population of about 930,000, there were in one year 365 cases of homicide or attempted homicide, an average of one a day. Feuds accounted for most of them.[110] The rest were the result

[107] Baddeley, *op. cit.*, II, pp. 87 f.

[108] Cf. Dubrovin, I, i, p. 440.

[108a] Hahn, *Bilder aus dem Kaukasus*, p. 81. For the practice in the Government of Elizabethpol, see E. Melik-Šachnazarov, "Selenie Arcevanik, Zangezurskago uězda, Elisavetpol'skoj Gubernii," SMOMPK, XXV (1898), No. 2, p. 43.

[109] Baddeley, *op. cit.*, I, p. 269, from whom we borrow also the following citation of Cursin.

[110] Baddeley, *op. cit.*, I, p. 81.

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of raids and robberies. Girls are useless in these tasks, whereas, in this struggle for existence, every additional boy means greater security and prestige.

In conclusion, we may ask ourselves, just why should the *adats* prohibit the manifestation of one's affection for a child. The reason behind this customary law seems to be founded not so much on a father-child relation as on the male-female relation of the Caucasian society. If a father were to show his affection for his child, were he to fondle and carry it, he would be imitating a *woman*, and that would be a terrible degradation! This degradation will be better understood in the following chapter. This rule to my mind is linked up with the low position of the female sex. Just as a man may never do a task that is established by the *adats* as a task exclusively for women, e. g., milk cows, fetch water, gather wood, so a man may never carry, fondle, or rock his child. Cursin seems to be of the same opinion. He says that the Ossetes would call such a man by a very insulting name, "baba," that is, "old lady," if he would ever dare to milk a cow or look after children.[111] We wish to stress two facts: first of all, it is not a lack of affection for one's child that is prohibited, as we have said, but the *manifestation* of that love; and secondly, the manifestation of love is forbidden simply out of fear of being considered an "old lady," a woman!

[111] G. F. Cursin, *Osetini, etnografičeskij očerk*, p. 39.

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of labour[3] which make her appear "a slave and not a wife." In the present section we wish to mention a number of *adats* which clearly show the inferiority of the female sex in Caucasian society.

The NORTHWESTERN CAUCASIANS. The inferiority of the female sex is taken for granted by the women themselves. Cherkess etiquette demands that women, regardless of their social status, rise at once when a man enters the room; and, when passing by on the road, the woman must with downcast eyes humbly step aside for His Majesty, the Man.[4] In a word, the rule of etiquette is "Gentlemen first!" In Abkhazia custom demands that a woman speak to a man only if invited to do so.[5] In recent decades the conditions are supposed to have improved considerably in Kabardia, but even today, she is far from being her husband's equal.[6] Considerable improvement (though not complete emancipation) is also noticeable in Shapsug and Abadzekh villages.[7]

The NORTHEASTERN CAUCASIANS. In Chechnia women have been gradually gaining more and more rights, but as in Kabardia, a wife is by no means her husband's equal. An *adat* of the Black Sea Line, Kuban and Terek Territories of about an hundred years ago reads literally: "The wife must consider herself a slave of her husband; she must always obey him; she must be submissive to him as to a master; she must be faithful to him..."[8] Or again, as an *adat* of the Ingush District informs us, "Till very recently (1862), the woman was nothing but a slave: she had no human rights."[9] She may not sit down beside her husband, nor may she take her meals with him. Her duty, we are told, is always that of a servant.[10] Požidaev assures us, however, that she is better off than any woman in other parts of North Caucasus, for when she is obliged to speak to her husband in the presence of strangers, "she may do so in a normal tone and need not whisper."[11]

The Lesghians have a saying according to which "there are two gods: Allah and the husband."[12] A husband has the right to punish his wife for any reasonable cause, though, not in public. A Lesghian once visited his neighbour and to his great surprise noticed two whips hanging on the wall. He was, naturally, curious and inquired about this luxury of possessing *two* whips. "Why *two*?" he asked. "I *need* two," answered the neighbour quite nonchallantly, "one to calm my horse and the other to calm the old lady."[13]

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[3] We shall devote an entire section (§ 2) to the division of labour (*infra*, pp. 156—159).

[4] Longworth, *A Year among the Circassians*, I, pp. 282 f. There is no religious equality among the Circassians either: women are excluded from certain religious festivals. Cf. L. Ja. Ljul'e, "Vërovanija, religioznye obrjady i predrassudki u Čerkes," ZKO, V (1862), p. 131.

[5] Dubrovin, *Istorija*, I, ii, p. 43.

[6] Ladyženskij, FT, p. 192.

[7] Ladyženskij, FT, p. 193.

[8] Leontovič, II, p. 254, § 168.

[9] Leontovič, II, p. 174, § 156. See also Berže, *op. cit.*, p. 99.

[10] Berže, *l. c.*

[11] *Gorcy severnago Kavkaza*, pp. 106 f. This "privilege" is also found in Khevsuria (*ibid.*).

[12] Kovalevskij, *Zakon*, II, p. 194. See also N. Samurskij, *Dagestan* (Moscow-Leningrad, 1925), p. 46.

[13] Kovalevskij, *l. c.*

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"The Lesghian husband is, at times, very cruel to his wife," says Omarov, a Lak by birth, who describes in his excellent article (written 1870) what his own mother had to suffer, how husbands mercilessly beat up their helpless wives, and brothers their sisters.[14]

L'vov, describing the conditions prevailing about 75 years ago, writes of the Avars: "She is considered a mere slave. She is placed on the same level as a domestic beast, in spite of the fact that Islamic law gives her not a few rights. Even the possessions she brings along on her wedding day are hers only theoretically; practically, it is her husband who owns them. She is unable to dispose of her own property, whereas her husband may do with it whatever he wishes. All this is considered a sin neither in the eyes of God nor of man. If his wife proposes to bring the case up before the authorities, her husband will act at once: he either flatters her and so wins her over by 'love', and she out of gratitude concedes her rights to him, or, if she does not, he threatens to divorce her and to keep the *kebin* and thus to dismiss her without any security for the future."[15]

Another clear proof of the inferiority of Caucasian women is the insignificant participation allowed her in religious matters and law processes.[16] Many of these customs are, doubtless, of Islamic origin; many, however, are not, and the spirit behind such regulations is certainly pre-Islamic.[17]

Often women cannot be witnesses, unless there is at least one male witness present. In this case one male witness plus two female witnesses makes two legal witnesses. That may be poor arithmetic; but that is the actual practice, for example, in Dargwa.[18] Sometimes they cannot be witnesses at all.[19]

Sometimes women are not allowed to take an oath, for example in the District of Hyuraki,[20] or, at most, they may swear on the Koran as is the case in Sirgua.[21] In Hyuraki, the husband takes the oath instead, or, if the woman is not married, her nearest male relative takes it for her.[22] Never has she the right to take the *khatun-tallkh*, an oath, with an obligatory divorce as sanction (*supra*, pp. 134 f).[23]

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[14] "Kak živut Laki," SSKG, III (1870), pp. 4 f.

[15] "Domašnjaja i semejnaja žizn Dagestanskich gorcev Avarskago plemeni," SSKG, III (1870), pp. 31 f. Alichanov claimed that the women of Avaria were very independent (Cf. Hahn, "Putešestvie v Kachetiju i Dagestan (lětom 1898 goda)," SMOMPK, XXXI [1902], p. 93.) However there is no reason to suppose that their condition is more favourable than that of the women in other parts of Daghestan (Cf. Baddeley, *op. cit.*, II, p. 72).

[16] Kovalevskij, *Zakon*, I, p. 141.

[17] Although some of the customs have been influenced by Roman-Byzantine law (e. g., in Chechnia, Khevsuria, Svanetia, and Ossetia, as Kovalevskij believes, *l. c.*), it cannot be denied that laws regulating the position of women in religious and inter-tribal (or legal) matters are mostly purely-Caucasian adats.

[18] "Adaty Darginskich Obščestv," SSKG, VII (1873), pp. 71, 83 f.

[19] "Adaty Darginskich Obščestv," p. 99.

[20] "Adaty Darginskich Obščestv," p. 83.

[21] "Adaty Darginskich Obščestv," p. 70.

[22] "Adaty Darginskich Obščestv," pp. 83, 70, 99.

[23] The *khatun-tallkh* is in itself another form of inequality. A wife may be divorced simply because her husband has sworn falsely. She, however, may never take such an oath.

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ing transporting and selling the produce, build houses, and do the heavy work; however, this is far from being a full-time employment. The women, on the contrary, are busy all day long: they must milk the cows, fetch water from the well and wood from the forest, and, of course, look after the children. If a man were ever to do any of these jobs, he would become the laughing-stock of the village.[58]

§ 3. SPECIAL RIGHTS AND PRIVILEGES OF WOMEN

Despite all that we have said about the disadvantageous and even slavish condition of the woman in North Caucasia and neighbouring territory, the women enjoy certain rights and privileges which must not be overlooked. For example, throughout the Caucasus she alone is the *mistress* of the house.[59]

The NORTHWESTERN CAUCASIAN (as well as the Chechen), according to an *adat* of the Black Sea Line, Kuban and Terek Territories (§ 174), will permit no one to say anything unfavourable about his wife. The husband will tolerate an insult against his own father or mother, or even against himself, sooner than hear a single abusive word said against his wife.[60] When a daughter is married off into another sib the family does not lose all interest in her; on the contrary, it is this very interest that is her surest protection against ill-treatment. As we shall see in the following chapter, the husband who unjustly takes the life of his wife is infallibly avenged by her relatives. Moreover, the woman enjoys considerable freedom owing to the fact that her husband is frequently absent, either hunting or on a raid.[61] And even in the sixteenth century, as we read in G. B. Ramusio's *Raccolta di viaggi* (1583), the wife had a firm will of her own, which her husband usually respected. In a way, women are considered sacred: blood-vengeance will never take place before a woman,[62] and hence, she is an asylum like the sacred hearth-chain (*supra*, p. 127). The wife, or to be more exact, the mother of the household, is the sole mistress of the house and as such may arrange things within her little kingdom as she pleases and may even give orders to others.[63] In Abkhazia formerly a woman of a privileged class even had the right to preside at certain religious ceremonies, direct civil affairs, and be the leader in a raid.[64]

The NORTHEASTERN CAUCASIAN does not lose interest in his daughter after her marriage, and therefore he too compels her husband to

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[58] Ćursin, *Osetini, etnografičeskij očerk*, p 39; Merzbacher, *op. cit.*, I, p. 204; see Hahn, "Po dolinach Čoroka, Urucha i Ardona," SMOMPK, XXV (1898), p. 32.

[59] Ladyženskij, "Zur Erforschung der Rechtsgewohnheiten der Bergvölker des Kaukasus," *Zeitsch. f. Ethnologie*, LXII (1930), p. 231.

[60] Leontovič, II, p. 254, § 175.

[61] Ladyženskij, FT, p. 201.

[62] Mourier, *Guide au Caucase*, I, p. 136.

[63] Castagné, "Le Droit coutumier familial des montagnards du Caucase," Révue des études islamiques, 1929, No. 2, p. 272.

[64] K. Mačavriani, "Někotoryja čerty iz žizni Abchazcev. Položenie ženščiny v Abchazii," SMOMPK, IV (1884), No. 2, p. 41; P. I. Kovalevskij, *Kavkaz, Narody Kavkaza*, pp. 34 f.

Chapter XI

Marital, Parental, and Kinship Avoidances

573 602 In our description of the engagement and marriage customs we have already mentioned some obligations of mutual avoidance. After marriage a certain mutual avoidance continues not only between the couple but also between parent and child, and between the couple and their kinship by marriage.

§ 1. DESCRIPTION OF THE CUSTOMS

The NORTHWESTERN CAUCASIANS. Among the oldest reports we have are those of Pallas. He informs us that in the eighteenth century the Cherkess husband and wife were not allowed to appear together before strangers.[1] In fact, for a year after marriage or till the birth of the first child the husband was not alloved to visit his wife except secretly.[2] And even afterwards when the couple lived under the same roof, they were not allowed to share the same room. In the beginning of the nineteenth century Longworth and Dubois de Montpéreux noticed the same custom, practiced in all its rigour, which both authors compare to the spirit of the ancient Spartans.[3] The *adat* collections of about an hundred years ago likewise speak of this strict separation of husband and wife in public and private life.[4] In the beginning of this century, Vasil'kov wrote that the Temirgoi customary law does not permit a wife as much as to mention the name of her husband in the presence of others. She must always use the pronoun "he" instead.[5]

[591] Though the Northwesterners of today have given up many of their ancient practices, they have not abandoned these rules of marital avoidance. Ladyženskij found them still in our own times. For a year after marriage the wife must live with strangers, during which time her husband may visit her only secretly. To be seen with her in public even years after marriage, he informs us, is tabooed.[6]

This avoidance includes even the children of the family, as we have seen in our section on "Parental Affection for Offspring" (pp. 149 f). Throughout

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[1] *Bemerkungen auf einer Reise in die süd. Statth., etc.*, I, p. 388.
[2] *ibid.*
[3] Longworth, *op. cit.*, I, p. 285; Dubois de Montpéreux, *op. cit.*, I, p. 115.
[4] Leontovič, II, pp. 254 f, § 176.
[5] "Očerk byta temirgoevcev," SMOMPK, XXIX (1901), No. 1, p. 99.
[6] Ladyženskij, FT. p. 184 *note*; Ladyženskij, "Zur Erforschung der Rechtsgewohnheiten der Bergvölker des Kaukasus," Zeitsch. f. Ethnologie, LXII (1930), pp. 242.

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the Caucasus a father is forbidden to manifest his affection for his child. The Cherkess is forbidden even to speak of a child of a person present.[7]

Similar *adats* forbid a couple to appear together before their parents or parents-in-law for a year after marriage,[8] and among the Abkhaz, even longer.[9]

The NORTHEASTERN CAUCASIANS. These rules of avoidance are found also among the Chechens, with only accidental differences. After marriage the groom must leave his wife and family and live with some neighbours or relatives for two to three weeks.[10] But even afterwards, when he returns, a certain law of separation must be observed. Reineggs reporting on the customs in the eighteenth century mentions that the husband did not share a common room with his wife; the men, he tells us, lived apart from the children and the female members of the family.[11] Another *adat* forbids a husband to eat with his wife in the presence of strangers.[12] And even in strictest privacy he will never speak directly to her in the second person: he usually will turn aside somewhat and instead of saying "Give me," he will say, "I am in need of."[13]

An Ingush father is not only forbidden to carry or fondle his child in public, but is not even allowed to call it by its name,[14] when others are present.

Jakovlev assures us that one can meet Ingushi today who have not seen their mothers-in-law for fifteen years after the wedding,[15] for to do so would be a serious violation of an Ingush custom. A wife is forbidden to mention the name of a first cousin of her husband in the presence of her parents- or brothers-in-law.[16] A husband may never inquire about his wife's relatives.[17] He will not speak with his wife in the presence of his parents or older brothers.[18] According to Dubrovin, a wife is strictly forbidden to speak with her father-in-law or any near male relative of her husband for a certain time after the wedding. She may speak with her mother-in-law only after a number of months have elapsed.[19]

There is also a certain avoidance observed by the husband and wife among the mountain tribes of Daghestan. A Lesghian, for example, will never put his arm around his wife while dancing. Such signs of intimacy in the presence of others would be unthinkable.[20]

We have already mentioned the example of how a certain Boulat-khan brought on himself the contempt of a group of men of Andi for carrying his son

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[7] Pallas, *l. c.*
[8] Ladyženskij, FT, p. 186.
[9] Byhan, *op. cit.*, p. 152.
[10] Cf. Jakovlev, *Inguši*, p. 56.
[11] Reinegga, *op. cit.*, I, p. 41.
[12] Leontovič, II, p. 254, § 170.
[13] Dubrovin, *Istorija*, I, i, p. 438.
[14] Grabovskij, "Inguši, ich žizn i obyčai," SSKG, IX (1876), p. 49.
[15] Jakovlev, *op. cit.*, pp. 52, 57.
[16] Jakovlev, *op. cit.*, p. 57.
[17] *ibid.*
[18] *ibid.*
[19] *Istorija*, I, i, p. 434.
[20] Nansen, *op. cit.*, p. 199.

in his arms; to make up for the transgression of the *adat* forbidding public manifestation of affection for one's children, he took out his dagger, crying, "I love my son, but you shall see also that I don't mind killing him," and if the men had not succeeded in calming him, he would have actually killed the child.[21]

It is indeed striking that we do not find the parent-in-law avoidances among the Lesghians; at least we have not found any reports in this regard. Parent-in-law avoidances would be quite impossible among the Lesghians, owing to the rule of endogamy.[22]

The SOUTHERN CAUCASIANS. Among the mountain tribes of Georgia the bride and groom, after having spent three days together,[23] are obliged to separate, the groom remaining with his parents and the bride returning to her family. The period of separation, according to Eristov, was a fortnight, according to Seidlitz, depending on agreement,[24] and according to Kosven, "for some weeks or years."[25] In ancient Imeretia the newly-weds would live at the bride's house for a week, after which the young man returned to his father's house, while his wife remained with her family for a year.[26] During the period of separation the husband might visit his wife only secretly. On her return to her husband she did not share a common room with him.[27] A Pshav couple may not call each other by name; instead they use the words "Man!" and "Woman!"[28] Similarly, the wife may not call any of her husband's male relatives by name.[29] In Svanetia one may not inquire about the health of the wife of another person unless related to her.[30] A Svan will never permit his wife to sit down beside him; and, in general, he is very reluctant to converse with her.[31] In Khevsuria a father may not carry his child in his arms or say a single friendly word to it in the presence of others.[32]

The OSSETES. In Ossetia the husband must live at the groomsman's house for a whole month after the wedding. He is forbidden to oppear before his father, older members of the household, or any older relatives and may visit his wife only secretly.[33] As soon as the young wife becomes pregnant she returns to her family and stays there till the child is born.[34]

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[21] *Supra*, pp. 149 f.

[22] *Supra*, pp. 51 f.

[23] Nansen, *op. cit.*, p. 58.

[24] Eristov, *op. cit.*, p. 110. Seidlitz, "Gemeinde- und Familienleben der Chewsuren," *Das Ausland*, 1891, No. 16, p. 320.

[25] M. O. Kosven, "Perežitki matriarchata u narodov Kavkaza," SE, 1936, No. 4—5, p. 217.

[26] *ibid.*

[27] Eristov, *op. cit.*, p. 111. See also Eichwald, *Reise auf dem Kaspischen Meer und in den Kaukasus*, Vol. I, Part II, p. 204.

[28] Makalatija, "Iz starogo narodnogo byta Pšavov," SE, 1938, No. 1, p. 109.

[29] Hahn, *Bilder aus dem Kaukasus*, p. 82.

[30] Dubrovin, *Istorija*, I, ii, p. 109.

[31] *ibid.*

[32] *Supra*, p. 150.

[33] Baddeley, *op. cit.*, I, p. 269.

[34] Hahn, "Die Täler der 'Grossen Ljachwa' und Ksanka (ksan) und das südliche Ossetien," *Globus*, LXXXVIII (1905), p. 24. It is worthy of note that the Kurds and the Armenians

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We have given a number af examples (*supra*, p. 150) illustrating how Ossetine fathers and mothers are forbidden to take their children in their arms, or by hand, or offer them anything, in the presence of older members of the family. The Ossete would permit his child to die rather than transgress this rule.

A woman may never in her whole life speak to an older male member of her husbands's family, and if, for instance, the wife of a younger brother is busy at the hearth, an elder brother is not allowed to enter the room till she has finished her work.[35]

The neighbouring TURKS observe similar rules of avoidance. Thus the Karachai newly-weds live together for a few months and then the bride must return to her parental home for a period which may last two years. During this time her husband may visit her only secretly.[36] The Nogai will not speak to his wife in the presence of elderly people except in extreme necessity. The wife must always appear veiled before her husband for a year after marriage or till she gives birth to a child.[37] A Kumykian couple may never call each other by name; instead they refer to each other as "him" and "her."[38]

§ 2. PROBLEMS OF POSSIBLE ORIGIN AND INTERPRETATION OF THE RULES OF AVOIDANCE

We may divide the customs just described into several distinct groups. The following table will show that these rules of avoidance are genuinely Caucasian, found among all North Caucasians and neighbouring peoples.

(1) The first custom which calls for special attention is that requiring the bride to return to her family shortly after marriage and permitting the husband to visit her only secretly. We found this custom in Ossetia, Armenia, Kurdistan, Chechnia, Georgia and among the Caucasian Turks. The Cherkess bride, however, does not return to her own parents but goes to a neighbouring family. This temporary visit-marriage, though still not definitely proven, may be connected with matrilocality, and therefore this custom may be a vestige of a mother-right culture.

It is interesting that the Cherkess bride lives with *strangers* during this period and not with her own family. Ladyženskij[39] considers this practice a vestige of the original form of acquiring a wife, namely bride-stealing. When a bride was stolen she, naturally, had to hide, and here, he argues, we have a clear

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had a similar observance. Among the Kurds the bride would return to her family a few days after her marriage. Her stay with her parents, however, was very short, lasting about three days or so. After receiving some gifts from her family she returned to her husband Cf. Kosven, *l. c.*). The custom of the bride returning to her family after the wedding is also an Armenian practice (*ibid.*).

[35] Baddeley, *l. c.*

[36] Jankó, "Néprajzi, etc." Zichy, *Kaukázusi és középázsia utazásai*, p. 44.

[37] Dubrovin, *Istorija*, I, i, p. 279.

[38] Dubrovin, *op. cit.*, I, i, p. 639.

[39] "Zur Erforschung der Rechtsgewohnheiten der Bergvölker des Kaukasus," *Zeitsch. f. Ethnologie*, XLII (1930), p. 242.

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trace of this epoch. He goes on to say that the *kalym* was originally a form of bloodwite demanded for bride-stealing, which later evolved into a means of compensating the family of the bride for the loss of a worker. Although Ladyženskij's interpretations are generally good, we cannot agree with him in this particular point. It has never been proven that bride-stealing was the original form of marriage anywhere in the world. Moreover, it seems to be much more probable that bride-stealing resulted from the practice of bride purchase rather than vice versa. That *kalym* evolved from bloodwite is very improbable, especially in the Caucasus, because reconciliation by means of bloodwite seems to be a relatively recent substitution for actual blood vengeance.

(2) The various husband-wife avoidances, such as not mentioning the name of one's husband or wife, not using the second person, avoiding all conversation in public, etc. may be an expression of the superior position of the male sex in Caucasian society (cf. *supra*, pp. 152—159).[40]

(3) The parent and parent-in-law avoidance, the obligatory avoidance of older male relatives of the husband, the prohibition of inquiring about the health of the wife's or husband's relatives, and similar practices are difficult to explain.

Parent-in-law avoidances are certainly among the most universal practices known to man. In fact, this form of avoidance is so universal that Lowie does not hesitate to write, "From the extremely wide range of parent-in-law avoidance, the absolute universality of these rules might be conjectured on the ground that, where unrecorded, the customs have merely eluded notice."[41] In Australia, for example, "it was formerly death for a man to speak to his mother-in-law."[42] In New Britain if a man were speaking accidently with his mother-in-law, the horror of the "crime" would most likely lead to suicide.[43]

The interpretation of parent-in-law taboos has baffled all ethnologists, and a satisfactory answer still has not been given. The parent-in-law avoidance has been connected with exogamy and bride-capture;[44] it has been considered a vestige of matriarchy, an expression of awe for the mistress of the household;[45] it has also been considered as a means to prevent improper intercourse. We may have here a case of convergence, based more on human psychology than on any particular institution; nor is there any reason to attribute the same cause for the practice in all parts of the world. This is but another important ethnological problem that waits to be solved.

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[40] The Caucasians seem to be of the opinion that separation is the best means of fostering conjugal love (cf. Leontovič, II, pp. 254 f, § 176).

[41] *Primitive Society*, p. 88.

[42] Howitt, *The Native Tribes of South East Australia*, p. 267.

[43] H. H. Romilly, "The Islands of the New Britain Group," *Proceedings of the Royal Geographical Society*, n. s. IX, p. 9.

[44] Cf. A. H. Post, "Ueber die Sitte, nach welcher Verlobte und Ehegatten ihre gegenseitigen Verwandten meiden," *Globus*, LXVII (1895), pp. 176 f.

[45] Cf. R. Briffault, *op. cit.*, I, pp. 266 f.

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Chapter XIII

Patria Potestas

All North Caucasian peoples recognize one head of the family. In the present chapter we shall study the extent of this authority. Does the father prossess *absolute* power over the members of his family?

§ 1. THE RIGHT TO SELL CHILDREN INTO SLAVERY

Since slavery was abiloshed in 1867, we must have recourse to sources prior to that date.

The NORTHWESTERN CAUCASIANS. According to an *adat* of the Black Sea Line, Kuban and Terek Territories (§ 139), the father does not have a right to sell or give away his sons.[1] However, Longworth, who spent a year among these people, expressly states the contrary. "The right," he says, "is never disputed, though it is considered disreputable for an ouzden, or even a freeman in good circumstances, to sell his children to slave merchants."[2] A certain greedy Cherkess once sold his brother's children whose guardian he was, for which, we are told, "he was universally execrated,"[3] though, evidently, he had the *right* to do so. In other words, it is very essential to distinguish between the *right* to sell children into slavery and the actual *practice*, which is strongly discouraged.

Taitbout de Marigny, who had visited the Cherkess several decades before Longworth, left us an incomplete report of what he had observed. The Cherkess are supposed to have sold their sons and daughters for Turkish goods with absolute indifference.[4] His visit, however, was too brief and superficial. When speaking of "indifference" Taitbout de Marigny should have made a second very important distinction, namely, whether the children thus sold into slavery belonged to the same social class as the father or whether they were born of a secondary or slave wife. Longworth makes this very important observation: "The great proportion ... of women who are exported are of the fourth or servile class ..."[5]

The NORTHEASTERN CAUCASIANS. The Chechens have no *adats* which determine or limit in any way the authority of the father over his children.[6] Potocki describes the sad story of an Ingush who sold his daughter

[1] Leontovič, II, p. 250, § 139.
[2] Longworth, *A Year among the Circassians*, I, pp. 279 f.
[3] Longworth, *op. cit.*, I, p. 180.
[4] *Voyage en Circassie en 1818*, p.6.
[5] Longworth, *op. cit.*, I, p. 279.
[6] Leontovič, II, pp. 96, 112, § 8.

593 567 for some Persian cloth worth Rs. 240. While the deal was still going on, the girl fled and hanged herself.[7]

We have found no purely Lesghian *adats* prohibiting or sanctioning the selling of children into slavery, in spite of the despotic authority of the father.[8] Although we do not know the attitude of customary law in this regard, we do know that the *šarî'a* strictly forbids not only the selling of a fellow-Mohammedan into slavery, but expressly condemns the selling of one's own children.[9]

The SOUTHERN CAUCASIANS. In times of famine the mountain tribes of Georgia used to sell their children; the Svans, for example, "for 700 to 1,200 francs each" (Mourier, *Guide au Caucase*, I, p. 147).

It was this same poverty that led their neighbours, the Tualti (SOUTHERN OSSETES), to kill their girls and sell their boys.[10]

In short, everywhere in the Caucasus the *right* to sell children is not disputed; the practice, however, is *rare*, except in time of absolute necessity or in regard to children who are not considered fully members of the family.

§ 2. JUS VITAE NECISQUE

593 682 [627] The NORTHWESTERN CAUCASIANS. The *adats* expressly mention that a father does not have the right over life and death of his children.[11] However, he may condemn a *perverse* member of the family to death: he must, of course, first chastize him, then disinherit him, and finally, if all these means fail and the son remains incorrigeable, the father, acting as supreme judge of the family, may hand him over to a servant to be killed.[12] In spite of these *adats* it seems that formerly the father actually had the right to kill his child at will.[13]

The NORTHEASTERN CAUCASIANS. The Chechen adat collection of 1843 tells us that "there is no customary law defining or limiting the authority of the father over his children."[14] However, in practice, he enjoys this unlimited [858] authority only as long as the children are small. Once his sons have grown up, they may take vengeance on their own father for killing one of their brothers.[15] It is quite possible that at one time the father actually possessed the *jus vitae necisque*, a right that had disappeared long before the *adat* collections of the past century were made. By no means does a husband have a right over the

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[7] *Voyage dans les steps d'Astrakhan et du Caucase*, II, p. 123.

[8] Cf. Omarov, "Kak živut Laki," SSKG, IV (1871), p. 18.

[9] G. Bergsträsser, *Grundzüge des islamischen Rechts*, p. 39.

[10] Kovalevskij, *Coutume contemp.*, p. 189.

[11] Leontovič, II, p. 250, § 138.

[12] *Ibid.* See also Leontovič, I, p. 152, § 81.

[13] Dubrovin, *Istorija*, I, i, pp. 168 f; P. I. Kovalevskij, *Kavkaz, Narody Kavkaza*, p. 56.

[14] Leontovič, II, p. 112, § 8.

[15] M. O. Kosven, "Avunkulat," SE, 1948, No. 1, p. 18; Leontovič, II, pp. 112 (§ 8), 251 (§ 143), 258 (§ 206); Berže, *Čečnja i Čečency*, p. 96.

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life of his wife.[16] According to a customary law of 1844 for Vladikavkaz District (Dzher, Kist, Galgai, Tsori, Ingushi, and Karabulak tribes), if a husband kills his wife, he must pay a bloodwite of 12 cows to her relatives if she has a child, and 85 cows if she has no children. Besides this payment he becomes a social outcast.[17]

The *adats* of the Lesghian mountaineers regarding the penalty for filicide and uxoricide fall into four distinct classes: (1) no penalty, (2) a very small fine, (3) conditional or optional death penalty, (4) obligatory death penalty.

If the father kills a son or daughter he goes unpunished in Gamri and in Mahallen Terekeme (Kaitago-Tabassaran Province),[18] in Tilitl-Hidatl (Gunib Province),[19] in the Naibate of Kuyada (Gunib Province), [20] and in other parts of Daghestan.

He is obliged to pay a relatively small fine, for example, in Sirgua District (Dargwa Province),[21] in Upper Kaitago,[22] Andalal (Gunib Province),[23] Bashli (Kaitago-Tabassaran Province),[24] Ratlu Akhvakh,[25] etc.

A few examples of a conditional death penalty would be: for instance, in Kurin Province a father who has killed one of his sons is obliged to pay a bloodwite only if the victim happened to have his own economically independent family, the bloodwite going to his children (if he has killed a daugther, he becomes a blood-enemy only if she happened to be married, the bloodwite in this latter case going to her husband);[26] or again, in Hyuraki District of the Province of Dargwa, a father becomes a blood-enemy only if the son he murdered is himself married and has children.[27]

By "optional death penalty" we understand all those *adats* which leave it to the children or heirs of the victim as to whether the murderer should be considered a *qanly* ("blood-enemy") or not. Such adats are found in the naibates of Tleiserukh,[28] Tilitl-Hidatl,[29] and Mikah (Dargwa Province).[30]

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[16] Berže, *op. cit.*, p. 99. Even in case of adultery the husband generally may only divorce and at most mutilate her (cf. Table 19).

[17] Leontovič, II, p. 115, § 6. It is an interesting fact that sometimes, as in this case, the wife becomes more detached from her own sib and more attached to that of her husband by giving birth to a child. In the latter case the bloodwite is only a third as high as the former.

[18] "Adaty Južno-Dagestanskich Obščestv," SSKG, VIII (1875), p. 49. Adaty Dagestanskoj Oblasti i Zakatal'skago Okruga, pp. 588, § 10; Cf. Dirr, AGKB, p. 58. We shall abreviate this collection of *adats* by ADOiZO.

[19] ADOiZO, p. 337, 12; cf. Dirr, AGKB, p. 58. Some villages of Tilitl-Hidatl impose capital punishment on a murderer of a son or daughter.

[20] ADOiZO, p. 313, § 12; cf. Dirr, AGKB, p. 58.

[21] "Adaty Darginskich Obščestv," SSKG, VII (1873), p. 73.

[22] "Adaty Južno-Dagestanskich Obščestv," p. 34: the murderer is obliged to pay a fine of one three-year-old ox to the district.

[23] The fine is only Rs. 6.

[24] ADOiZO, p. 597, § 10; cf. Dirr, AGKB, p. 58.

[25] ADOiZO, p. 178, § 38; cf. Dirr, AGKB, p. 58.

[26] ADOiZO, p. 510, § 13; cf. Dirr, AGKB, p. 61.

[27] "Adaty Darginskich Obščestv," p. 86.

[28] ADOiZO, p. 388 f, § 12; cf. Dirr, AGKB, p. 64 f.

[29] ADOiZO, pp. 337 f, §§ 31 f.

[30] ADOiZO, p. 136, § 42; cf. Dirr, AGKB, p. 67.

593 The last class of *adats* demand blood for blood. Such customary laws are
602 found, for example, in the Dargwa Province: in Usisha District,[31] Tsudakhar,[32]
[628] Akusha District,[33] and in some towns of the naibate of Tilitl-Hidatl,[34] and in the Samur District.[35] The same holds if a husband kills his wife: he becomes a blood-enemy of the wife's relatives and sometimes of his own children. In Bashli (Kaitago-Tabassaran Province),[36] Mahallen Terekeme (Kaitago-Tabassaran Province),[37] Mahal Gamri (Kaitago-Tabassaran Province),[38] and in the Province of Samur,[39] a husband who has murdered his wife becomes a blood-enemy of her relatives. In Mahal Gamri he becomes a blood-enemy of his children as well.[40]

Ancient GEORGIAN *adats* permit the murderer to go unpunished, the crime being "left to the judgement of God."[41] A Khevsur who murders his wife is obliged to pay a bloodwite of five cows to her relatives.[42] The Svan custom of tying a large stone about the neck of a person who murdered one of his own kin (as a sign of excommunication) is most likely of Christian origin. It reminds us very much of a similar penalty for parricide in the Old Testament. It may, less probably though, have come to Svanetia through Islamism, for Mohammedanism has borrowed this form of excommunication from the Old Testament.[43]

[614] The neighbouring KUMYKS do not punish a man for murdering his child either.[44] Uxoricide, however, never goes unpunished; the murderer becomes *a qanly* of the victim's sib.[45]

The ancient Indo-Europeans used to place the newborn child on the ground and then invite the father to pick it up, as an official recognition of the child as his own and at the same time expressing his wish not to use his right to kill it.[46] According to OSSETINE customary law, a father may kill his child with

[31] ADOiZO, p. 225, § 47; cf. Dirr, AGKB, p. 61; "Adaty Darginskich Obščestv," p. 102.
[32] ADOiZO, p. 244, § 40; cf. Dirr, AGKB, pp. 61 f; "Adaty Dauginskich Obščestv," pp. 113 f.
[33] "Adaty Darginskich Obščestv," p. 35. Also in Balhar, Tsumkan, according to ADOiZO, p. 115, § 43; cf. Dirr, p. 61.
[34] ADOiZO, p. 337, § 12; cf. Dirr, AGKB, p. 66.
[35] ADOiZO, p. 530, § 16; cf. Dirr, AGKB, p. 61.
[36] ADOiZO, pp. 597 f, §§ 14 f; cf. Dirr, AGKB, p. 65.
[37] ADOiZO, p. 583, § 9; cf. Dirr, AGKB, p. 65.
[38] ADOiZO, pp. 588 f, § 14; cf. Dirr, AGKB, pp. 65 f.
[39] ADOiZO, p. 530, § 14; cf. Dirr, AGKB, p. 66.
[40] ADOiZO, pp. 599 f, § 14; cf. Dirr, AGKB, pp. 65 f.
[41] Haxthausen, *Transcaucasia*, II, p. 205; Post, *Grundriß der ethnol. Jurisprudenz*, II, p. 340; cf. Dirr, AGKB, p. 59. These three authors base their assertion on King Vakhtang's Code. in § 78 we read: "... the case must be judged according to the *sdzhuli-kanoni*". Perhaps in the last analysis "sdzhuli-kanoni" can be identified with God; but actually these two words refer to the ecclesiastical laws codified by Patriarch John the Scholastic under Emperor Justinian (cf. Code of King Vakhtang VI, ed. Karst, p. 119, *note* 1).
[42] Hahn, *Bilder aus dem Kaukasus*, p. 184.
[43] Kovalevskij, *Zakon*, I, p. 40.
[44] Leontovič, II, p. 212, § 35 (an *adat* of 1865).
[45] "Adaty žitelej kumykskoj ploskosti," SSKG, VI (1872), p. 5.
[46] Schmidt-Koppers, *Völker und Kulturen*, p. 309.

½ [i.e. blood-enemy --Analyst]

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impunity, just as their ancestors could.[47] A husband may not sell or give his wife away.[48] Sometimes he may not kill his wife[49] even as a well deserved punishment. At the most he may in such a case chastize and mutilate her.[50]

§ 3. MATERNAL AUTHORITY

What authority does the mother enjoy in a North Caucasian family? We have already touched upon this question, when speaking about the education of children (*supra*, pp. 147 f) and the rights and privileges of women (*supra*, pp. 159 f). As a general rule throughout the Caucasus[51] the mother has by far more authority over her daughters than over her sons, more over her small boys than those of age.[52]

That is doubtless the case with the NORTHWESTERN CAUCASIANS. The *adats* expressly say that the mother enjoys much more authority over her daughters than over her sons.[53] That she has less authority or none at all with her grown-up boys is clear from the "Adat Collection of the Black Sea Line, Kuban and Terek Territories" (§ 135). In spite of the exaggeration contained in this particular *adat* it is worth quoting: as soon as the sons become of age, the mother "hardly enjoys the respect which nature herself implanted in man's heart, the respect for her to whom the sons owe their very existence."[54]

In NORTHEAST CAUCASIA, a Chechen mother, though exerting much influence on her children, enjoys absolutely no *right* over their person.[55] The relation between mother and child among the Lesghians is regulated by Islamic law,[56] which however differs very little from that of the other North Caucasians. According to Islamic law, the mother has more rights over her girls than over her boys; the girls are subject to her till they become of age; the boys, only till they are seven or nine years old.[57] Her authority can be compared to that of a tutor, and generally the father will not interfere. The right over the person of the child is everywhere in the Caucasus a right exclusively enjoyed by the father.

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[47] Leontovič, II, p. 26, § 98.

[48] Leontovič, II, p. 27, § 103.

[49] Kovalevskij, *Coûtume contemp.*, p. 348.

[50] Leontovič, II, p. 26, § 101.

[51] Leontovič, II, p. 251, § 145: "Čto kasaetsja prav roditelej nad dočer'mi, to takovyja kak u čečencev, tak i u všech drugich gorskich plemen, soveršenno odinakovy."

[52] Leontovič, II, pp. 250 (§ 134), 251 (§ 147).

[53] Leontovič, II, p. 251, § 147.

[54] Leontovič, II, p. 250 (§ 135), II, p. 112 (8).

[55] Leontovič, II, p. 212, § 8.

[56] Kovalevskij, *Zakon*, II, p. 201.

[57] Bergstrasser, *Grundzüge des islamischen Rechts*, p. 87.

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(5) and the *patria potestas*[15] in the extreme form as found in North Caucasia are all typically pastoral nomadic.

(6) The father alone has the *right to choose a mate* for his children, and boys are given more consideration in the choice than the girls.[16]

(7) The *bride price*, though found in other cultures also, has a typically pastoral colouring in the Caucasus, since it is measured mainly in cattle and horses.[17] Bride wealth as a *price* in the strict sense of the word is found almost exclusively among pastoral peoples.[18]

(8) *Bride stealing*[19] is a common practice among pastoral nomads. All Turco-Tartars, Indo-Europeans, and the Semites have or at least have had frequent recourse to marriage by capture.

(9) The various *engagement prohibitions*,[20]

(10) the segregation of the bride in a special hut *(amhara)*, the obligation of the young man to cover his entire head and face except for an opening for his eyes,[21] the obligation of the bride and groom to hide during the wedding,[22] the bride's veiling, taciturnity, resistence, the post-nuptial obligation of the couple not to appear together before their parents or older brethren,[23] all these customary laws are in no way a vestige of former group marriage, fraternal polyandry, bride capture and the like, as we have sufficiently refuted above, but they are most likely an expression of the *extreme modesty peculiar to pastoral peoples*, a reaction to the "great change" from single to married life, more strongly felt among pastoral nomads than any other peoples.

(11) It is the *male side who proposes to the female and not vice versa*,[24] likewise a phenomenon found infallibly among pastoral nomads.

(12) The *great longing for children, especially for boys*,[25] although found in other cultures, reaches its highest point among pastoral nomads. Connected with this craving after male children is the custom of marrying a second wife in case the first is sterile or "unable" to bear male offspring.

(13) The *wedding customs*[26] are typically pastoral nomadic in character: dramatization of bride capture, horse-racing, the proof of virginity with subsequent rejoicing if the bride is found "chaste," or mutilation and execution if found "unchaste," the special ceremonies and wishes for fertility, especially for the birth of many male children, the triple encircling of the fireplace, etc. are all typically pastoral nomadic.

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[15] *Supra*, pp. 183—186.
[16] *Supra*, pp. 76—81.
[17] *Supra*, pp. 82—91.
[18] *Supra*, p. 91.
[19] *Supra*, pp. 91—96.
[20] *Supra*, pp. 106—110.
[21] Seidlitz, "Die Abchasen," *Globus*, LXVI (1894), p. 40.
[22] *Supra*, p. 124.
[23] *Supra*, p. 166. For similar customs among the ancient Indo-Europeans see *infra*, p. 198.
[24] *Supra*, pp. 100—106.
[25] *Supra*, pp. 124, 139 ff.
[26] *Supra*, pp. 125—128, especially Table 16

[i.e. a trait found among the Caucasians--Analyst]